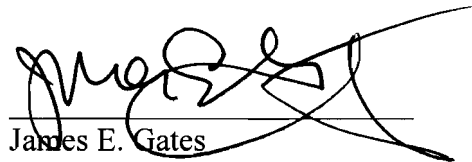


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For the foregoing reasons, it is RECOMMENDED that the parties' consent motion for summary judgment dismissing Hamby's claims as time-barred be ALLOWED and this action be DISMISSED as to him.

The Clerk shall send copies of this Memorandum and Recommendation to counsel for the respective parties, who have 14 days, or such other period as the court specifies, to file written objections. Failure to file timely written objections bars an aggrieved party from receiving a de novo review by the District Judge on an issue covered in the Memorandum and Recommendation and, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Judge.

SO ORDERED, this 12th day of July 2010.



James E. Gates
United States Magistrate Judge